

**To:** Michaud, John[Michaud.John@epa.gov]; Mitchell, Stacey[Mitchell.Stacey@epa.gov]  
**From:** Ward, W. Robert  
**Sent:** Mon 8/17/2015 11:04:21 PM  
**Subject:** FW: Request for Exemption at Red and Bonita Mines  
[superfund removal guide for preparing action memo.pdf](#)  
[Signed Cessation Memo.pdf](#)

W. Robert Ward

Regional Counsel

U.S. Environmental Protection Agency

Region VIII

303-312-7100 (direct)

303-312-6736 (office)

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**From:** Hestmark, Martin  
**Sent:** Monday, August 17, 2015 4:43 PM  
**To:** Way, Steven; Williams, Laura; Ostrander, David; Ruhl, Christopher; Edlund, Carl; Calanog, Steve  
**Cc:** Bohan, Suzanne; Ward, W. Robert; Card, Joan; McGrath, Shaun  
**Subject:** FW: Request for Exemption at Red and Bonita Mines

FYI

**From:** Cheatham, Reggie  
**Sent:** Monday, August 17, 2015 4:10 PM  
**To:** Hestmark, Martin

**Cc:** Tulis, Dana; Woodyard, Josh; Irizarry, Gilberto; Woolford, James; Stalcup, Dana; Tyner, Lee

**Subject:** Request for Exemption at Red and Bonita Mines

Martin,

After reviewing the Action Memorandum associated with the removal action at the Red and Bonita mines, the Office of Emergency Management believes that this removal action is consistent with the exceptions for sites which is included in the attached "Cessation of Work Mining/Tailings Sites and Other Related Actions at Superfund Sites", dated August 14, 2015. The applicable excerpt from the memorandum is directly below:

- Ceasing site operations poses or would pose an imminent threat to increase in environmental risk greater than that if work halts; or
- EPA's emergency response program needs to address or is addressing imminent threat to public health or the environment; or
- A constructed remedy or ongoing construction is addressing mining

This exception would also apply to the response actions directly related to the Gold King Mine Release. We understand that you are responding to the release as an Emergency Response and will provide an Action Memorandum for these actions as soon as it is reasonable to do so. If the Proposed Action Memorandum were to be greater than \$6 million dollars it will require a HQ Approval through the HQ EOC to the Associate Administrator. Also if the Removal Action is over \$2 Million dollars it would require consultation consistent with the attached Superfund Removal Guidance for preparing Action Memoranda.

Please let me know if you have additional questions regarding the Cessation Memorandum as they may relate to your ongoing work in Region 8.

Thanks

Reggie Cheatham, Director

Office of Emergency Management, USEPA

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